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8                          **BEFORE THE**
                   **BOARD OF REGISTERED NURSING**
9              **DEPARTMENT OF CONSUMER AFFAIRS**
                     **STATE OF CALIFORNIA**
10

11 | In the Matter of the Accusation Against: | Case No.  2010 - 196 |
12 | **MYUNG OK CHUNG AKA MYUNG OK SEUNG** | **A C C U S A T I O N** |
13 | **146 S. Oxford Ave., #3** | |
   | **Los Angeles, CA  90024** | |
14 | | |
   | **Registered Nurse License No. 572023** | |
15 | | |
   | Respondent. | |
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17        Complainant alleges:

18                          **PARTIES**

19        1.    Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her

20  official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department

21  of Consumer Affairs.

22        2.    On or about September 19, 2000, the Board of Registered Nursing (Board) issued

23  Registered Nurse License No. 572023 to Myung Ok Chung, also known as Myung Ok Seung

24  (Respondent).  The Registered Nurse License was in full force and effect at all times relevant to

25  the charges brought herein and will expire on October 31, 2009, unless renewed.

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## JURISDICTION

3.      This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4.      Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5.      Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

6.      Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

## REGULATORY PROVISIONS

7.      California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

8.      California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

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"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

## COST RECOVERY

9.     Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FACTUAL SUMMARY

10.    On or about December 17, 2007, while Respondent was employed as a registered nurse at Hollywood Presbyterian Medical Center, in Los Angeles, CA (HPMC), Sang Y.P. (S.Y.P.), a female patient, was assigned to Respondent's care in the Acute Rehabiliation Unit.

11.    On or about December 17, 2007, at 1135 hours, Physician Orders were "CT guided epidural injection in radiology." After receiving the injection, S.Y.P. returned to Respondent's care in the Acute Rehabilitation Unit.

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12.   On or about December 17, 2007, at 1600 hours, Respondent documented in the Acute Rehabilitation Unit Outcome Notes that S.Y.P. returned to the Acute Rehabilitation Unit and complained of being cold and shivering. Respondent applied an extra blanket and a hydrocollator pack[1] (hot pack) above the blanket to S.Y.P.'s abdomen and upper thighs.

13.   On or about December 17, 2007, at 1700 hours, Respondent documented in the medical record that she "checked frequently to prevent skin burn" to S.Y.P.'s skin, but found redness on the patient's abdomen and thighs. Respondent also documented calling Dr. Mun and Dr. Yates and applied Silvadene cream.[2]

14.   On or about December 17, 2007, at 2000 hours, another registered nurse noted that S.Y.P.'s abdomen and upper thighs had redness and blisters, due to the hot pack. It was also noted that Silvadene was being applied two times a day.

## CAUSE FOR DISCIPLINE

### (Incompetence)

15.   Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), as defined in California Code of Regulations, title 16, section 1443, for violating California Code of Regulations, title 16, section 1443.5, in that Respondent demonstrated incompetence, as she lacked possession of, and failed to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse, as set forth in paragraphs 10 through 14, above, and for the following reasons:

a.   On or about December 17, 2007, Respondent failed to provide safe patient care, when she applied a hydrocollator hot pack over S.Y.P's abdomen and upper thighs, and failed to check on the patient for an hour, which resulted in second degree burns to S.Y.P.

b.   Respondent departed from the standard of care by failing to possess the knowledge and training in providing safe warming measures to S.Y.P.

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[1] Hydrocollator blankets or packs are heavy packs used by physical therapists for the purpose of muscle aches and spasms. They are placed with a thick blanket between the hot packet and the patient and used for 15 to 20 minutes at a time. They can cause burns if not used properly.

[2] Silvadene cream is commonly ordered by physicians for skin burns and irritation.

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## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 572023, issued to Respondent.

2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: _10|7|09_

_for_ _Stacie Berumen_

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
*Complainant*

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